

Message Text

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63

ACTION L-03

INFO OCT-01 ARA-16 ADP-00 SCA-01 JUSE-00 VO-03 PPT-02

DEAE-00 RSR-01 RSC-01 /028 W
----- 037278

R 072158Z AUG 73

FM AMEMBASSY BRIDGETOWN

TO SECSTATE WASHDC 6000

LIMITED OFFICIAL USE BRIDGETOWN 1082

E.O. 11652: N/A

TAGS: PFOR CRPS SNAR BB MH

SUBJ: FUTURE EXTRADITION REQUEST TO MONTserrat

REF: BRIDGETOWN 01022

1. EMBASSY HAS JUST RECEIVED LETTER DATED JULY 31 FROM
ACTING GOVERNOR OF MONTserrat APOLOGIZING FOR DELAY IN
REPLYING TO OUR COMMUNICATION OF JUNE 26.

2. PERTINENT PORTIONS OF LETTER ARE QUOTED HEREWITH:

"HERE (IN MONTserrat) WE FOLLOW THE ENGLISH PROCEDURE AS
LAID DOWN OR CONTINUED IN FORCE BY THE EXTRADITION ACTS
1870-1935 OF THE UNITED KINGDOM AND I AM ADVISED THAT THE
FOLLOWING DOCUMENTS MUST BE SUBMITTED TO THE HOLDING
AUTHORITY (MONTserrat) BY THE REQUISITIONING AUTHORITY:-

(A) AN AFFIDAVIT BY A LAWYER ENTITLED TO PRACTISE AND
PRACTISING IN THE REQUISITIONING STATE THAT HE IS SO EN-
TITLED TO PRACTISE AND SO PRACTISES AND THAT THE OFFENCE
WITH WHICH THE ACCUSED IS CHARGED IS AN OFFENCE AGAINST
THE LAWS OF THE REQUISITIONING STATE, IS INCLUDED IN THE
SCHEDULE OF EXTRADITABLE OFFENCES CONTAINED IN THE RELE-
VANT EXTRADITION TREATY, AND CARRIES A SENTENCE OF IM-
PRISONMENT FOR MORE THAN ONE YEAR. THIS AFFIDAVIT
MUST BE SWORN BEFORE A MAGISTRATE, JUDGE, COMMISSIONER OF
OATHS OR NOTARY PUBLIC; MUST REFER TO THE TITLE(S),
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SECTION(S), SUBSECTION(S) ETC. OF THE LAWS ALLEGED TO HAVE

BEEN INFRINGED; AND MUST BE ACCOMPANIED BY A MARKED, PRINTED
COPY OF THE RELEVANT LAWS ALLEGED TO HAVE BEEN INFRINGED;
AND

(B) TESTIMONY SWORN AS IN (A) ABOVE WHICH WOULD PROVIDE
A PRIMA FACIE (UNDERLINED) CASE AGAINST THE ACCUSED PERSON
FOR HAVING COMMITTED THE EXTRADITABLE OFFENCE.

"IN BRIEF, THE SAME SORT OF CASE MUST BE MADE OUT BEFORE
THE LOCAL COURT AS WOULD BE MADE OUT BEFORE THE COURTS
OF THE REQUISITIONING STATE WITH THE ADDITION THAT THE LAWS
OF THE REQUISITIONING STATE CANNOT BE JUDICIALLY NOTICED
LOCALLY, BUT MUST BE PROVED IN THE SAME MANNER AS ANY OTHER
EVIDENTIAL FACT.

"WITH RESPECT TO YOUR QUERY AS TO LEGAL REPRESENTATION,
THE LEGAL ASSISTANT IN THE LEGAL DEPARTMENT OF
MONTSEERRAT WOULD PRESENT THE CASE ON YOUR BEHALF AND THE
ACCUSED WOULD ARRANGE FOR HIS OWN LEGAL REPRESENTATION OR
HAVE A SOLICITOR APPOINTED BY THE LOCAL COURT.

"TO SUM UP, THE UNITED STATES AUTHORITIES SHOULD SUBMIT A
FORMAL REQUEST TO THE GOVERNOR OF MONTSEERRAT FOR
OSBOURNE'S SURRENDER, THE WARRANT REFERRED TO IN YOUR LETTER,
AND THE AFFIDAVITS AND TESTIMONY I HAVE INDICATED ABOVE.

INCIDENTALLY, OSBOURNE IS BEING HELD HERE ON A DRUG CHARGE
AND IS REMANDED IN CUSTODY PENDING TRIAL."

3. ASSUME THAT DEPARTMENT HAS BEEN UNABLE TO DETERMINE
WHETHER OSBORNE IS AN UNITED STATES CITIZEN.
DONOVAN

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NNN

Message Attributes

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Channel Indicators: n/a
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Draft Date: 07 AUG 1973
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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30 JUN 2005

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